



TILCON CONNECTICUT INC. • 1 Forest Road • North Branford, CT 06471 • 203 484-1414 • Fax 203 484-1426  
An Oldcastle Company

February 17, 2009

**Subject: Objection to Section 1 of SB - 871**

To the Honorable Members of the Environment Committee:

My name is Frank T. Lane, Director of Real Estate & Environmental Compliance at Tilcon Connecticut Inc. Tilcon is a leading Connecticut construction company and supplier of quality Crushed Stone Aggregate, Hot-Mix Asphalt and Ready-Mix Concrete as well as Heavy & Highway Construction and Paving Services.

**I am writing to express our company's objection to Section 1 of SB-871, An Act Increasing the Enforcement Authority of The Department of Environmental Protection.**

Tilcon Connecticut Inc. employees approximately 800 Connecticut residents, many of whom are 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> generation employees. Tilcon, as are many companies, is struggling in this economy and has been forced to lay-off employees due to cost containment measures and lack of work. Tilcon does its very best to comply with very complex environmental regulations in Connecticut. Section 1 of SB – 871 is untenable and an insult to businesses in Connecticut. The courts have clearly established that penalties, besides being specifically guided by statute and regulation, must also have a direct and proportionate relationship to the damage caused by non-compliance. Under current law, the DEP can issue financial penalties for certain violations. But the DEP can do this only if it follows the public process of adopting regulations to establish the specific violations for which the penalties can be assessed and the allowable penalty amounts.

If enacted, Sec. 1 of SB – 871 would allow the DEP to bypass the requirement to adopt regulations and at their instantaneous and arbitrary discretion issue penalties of up to \$100,000 simply by ordering a company to pay said penalty. This proposal is indefensible and if passed would become an impossible burden to businesses in Connecticut. If passed this will be just another reason that businesses that provide good employment to our citizens pack-up and flee Connecticut.

**Committee Members Please oppose and reject Section 1 of SB – 871.**

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Frank T. Lane".  
Frank T. Lane  
Director of Real Estate &  
Environmental Compliance